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ORIMS TRIPLE HEADER

WEDNESDAY, MAY 31, 2017

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PROFESSIONAL DEVELOPMENT
CONFERENCE DAY

ANNUAL SPRING FLING
NETWORK RECEPTION

"The deep roots never doubt spring will come"

MARTY RUBIN

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APRIL 2017 EDITION

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“Everyone likes to be challenged, engaged and rewarded. It is time to think critically about the organization’s direction and preparation for the future rather than concentrating on a bias set of thinking about a specific generation.”

TINA GARDINER, ORIMS PRESIDENT

APR 2017 EDITION

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future plans: inspiring the next gen

TINA GARDINER, ORIMS PRESIDENT

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader."

JOHN QUINCY ADAMS

This quote sums up the concept of succession planning for me. If we want our organizations and associations to be successful in the future we need to plan for that future now...and we need to inspire the teams of the future to be there when we are not!

Succession Planning can be defined as a systematic approach to ensuring leadership continuity within an organization by recruiting and/or encouraging individual employee growth and development. It is not about having people, it's about having the right people, in the right place, at the right time.

Now I know you have heard of millennials: the group of people born between the early 1980s and 2000. And you know that they currently make up more of the workforce than any other generation. So leaders of today, how do we do as John Quincy Adams suggested-inspire them to dream more, learn more, do more and become more? They will be our next leaders.

Well, there is good news, millennials do want to be leaders. But there is also bad news, millennials are not going to wait around for it to just happen.

Executives have listed their two biggest challenges going into 2020 and beyond to be: 1. attracting the best people to the organization and 2. retaining and rewarding the best people.

Many articles have been written listing and describing best practices for succession planning in today's workplace environment. In leading ORIMS into the future, the Board has given some thought to building the team of tomorrow for our organization.

Research indicates that it is critical for organizations to follow certain steps in developing a succession plan to understand what is needed, what is in place and what needs to be built or changed going forward. The key steps:

1. **Assessment of Key Positions** - and how will these change from the present compliment.
2. **Identification of Key Talent** - be prepared that what you see now may not be here when you need it.
3. **Assessment of Key Talent** - what do they need to be ready.

4. **Generation of Development Plans** - how do you deliver on meeting these needs.

5. **Development, Monitoring and Review** - is it working and what needs to be changed as you move forward.

Following these steps will give you blueprints to follow and can be used to attract the best people to your organization. But how do you keep them once you have them? By keeping them engaged through rewards and incentives.

Lack of movement or stagnation in the workplace can be a millennial engagement and retention killer. Younger workers do not want to wait five years to jump to the next rung on the corporate ladder. Often good people walk out the door before an opportunity for advancement presents itself. Where it makes sense you could insert intermediate levels that add actual value to the organization. These small steps with a title change and slight pay bump will give millennial employees faster promotions and a greater sense of trajectory to their career. This could pay significant dividends in terms of retention.

Change your performance review process. Most people, not just millennials, want to have performance conversations with their manager more frequently.

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/ PRESIDENT'S MESSAGE CONTINUED

If your managers are only checking in on workers' performance once a year, you are already behind the curve. Successful teams and organizations have a monthly or quarterly review process where they go over projects and benchmarks in order to give feedback more often and make adjustments to ensure strategic goals are met.

Invest in Leadership Development and build a pipeline of talent for a number of key leadership positions to ensure that gaps are adequately covered should high-potential workers exit the firm. Without an action plan for the development of your talent, how will they be ready to move ahead? Once you have identified the needs and the talent then it is time to invest heavily in leadership development to prepare them for future positions and better engage them in their work.

And last but not least, realize that we are not so different after all. Everyone likes to be challenged, engaged and rewarded. Each generation is a set of individuals with wildly different needs and goals. It is time to think critically about the organization's direction and preparation for the future rather than concentrating on a bias set of thinking about a specific generation. There are talented individuals in front of you waiting to be inspired. Are you a leader?

SAVE THE DATE
ORIMS TRIPLE HEADER!

2017 ORIMS ANNUAL GENERAL MEETING

Wednesday, May 31, 2017 Noon – 1:00 pm
McCague Borlack Learning Centre,
Toronto Head Office, The Exchange Tower
130 King Street West, 27th Floor, Toronto, Ontario

PROFESSIONAL DEVELOPMENT CONFERENCE DAY

Wednesday, May 31, 2017 1:00 pm – 4:00 pm
McCague Borlack Learning Centre,
Toronto Head Office, The Exchange Tower
130 King Street West, 27th Floor, Toronto, Ontario
**Speakers and topics to be announced soon*

ANNUAL SPRING FLING NETWORK RECEPTION

Wednesday, May 31, 2017 4:30 pm – 8:00 pm
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medical marijuana

SOPHIA SOUFFRONT (ASSOCIATE LAWYER) & MICHAEL BLINICK (PARTNER), MCCAGUE BORLACK LLP

There has been a significant culture shift in the use of marijuana over the last few years, specifically owing to its reported benefits in treating the symptoms associated with various medical conditions (headaches and chronic pain, amongst other) and in addressing the side effects associated with certain medical treatments (nausea from chemotherapy, appetite improvement, etc.). While recreational marijuana remains a controversial issue, the courts have granted legal access to marijuana for individuals with a medical need. Not only has there been certain reluctance by the courts to limit the forms in which the drug can be consumed by those with medical needs, the courts have further required “reasonable access” to a legal source of medical marijuana. In response, the Government of Canada implemented the Access to Cannabis for Medical Purposes Regulations¹ to improve access to medical marijuana.

Health care practitioners are tasked with primary responsibility in authorizing medical use of the drug. As physicians become more at ease in prescribing marijuana for medical purposes, it is reasonable to forecast an increase in the number of employees in the workplace with a prescription for the drug. This raises challenges for employers that have a duty to accommodate their “disabled employees” and further conflicts with an employer’s desire for a drug-free environment.

HUMAN RIGHTS AND THE WORKPLACE

Under human rights legislation, individuals are afforded equal treatment in employment and freedom from discrimination because of disability.² In that respect, employees with disabilities are entitled to the same opportunities as those who do not suffer from any disabilities. Employers are obligated to accommodate employees with a disability, so long as it does not create undue hardship for the employer. This duty of accommodation includes the treatment that follows the disability.

It is common knowledge that marijuana use can cause “impairment” to the user’s physical and/or cognitive aptitudes. This impairment can affect both the employee’s ability to perform his or her employment tasks and can also pose a serious risk or threat to others. Similarly to other prescribed drugs, a prescription for medical marijuana does not entitle an employee to be impaired at work or to compromise the safety of others.

OBLIGATIONS OF EMPLOYERS

Given its current classification, prescribed marijuana should be treated as any other prescription drug that affects an individual’s ability to safely and effectively perform his or her duties (for e.g., opioids). Instead of making significant changes to workplace policies, employers should

likely echo the policies in place to accommodate employees with other prescribed drugs, with the appropriate safeguards in place to ensure a safe and productive environment.

Employers have been found to have a duty to ask the employee whether the medication being using to treat a disability affects job performance. Employers should review their existing policies and implement protocols to assess the impact of marijuana on an employee’s ability to safely and effectively perform his or her job duties. This assessment should be done in conjunction with the employee’s health practitioner so that the term “impairment” is properly defined and to determine the employee’s level of productivity while under the influence of marijuana. This would further assist in delineating the level and nature of the required accommodation, on a case-by-case basis. This may result in a change of duties or work schedule for a mild impairment or could result in a leave of absence/application for disability benefits for more significant impairments.

Employers also ought to be cognizant of the various forms in which medical marijuana can be taken. While smoking is an option, many users consume edibles, oils or pills.

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/ MEDICAL MARIJUANA CONTINUED

As smoking can cause passive inhalation, an employer's interest in fostering a smoke-free environment could conflict with the patient/employee's right to choose how they consume their 'medication'. Given this, employers should consider implementing a policy to accommodate employees who seek to medicate at work through consumption in its various forms and, in doing so, should contemplate the wide variety of uses for medical marijuana. Policies for drug-testing should further be reviewed to include exemptions and guidelines for medical users.

Employers also ought to ensure that their employees are aware of the consequences of sharing their prescription with other employees without a prescription.

LIMITS ON DUTY TO ACCOMMODATE

It is anticipated that there will be significant changes in the years ahead as research intensifies and the risks are better understood.

Although an employer must provide reasonable accommodation, it is only required to do so up to "undue hardship." This standard is set rather high. Under section 15(2) of the Canadian Human Rights Act, the factors to be consid-

ered when assessing undue hardship are limited to health, safety and cost. On an undue hardship defence, employers must support their claim with objective, real and direct evidence.³ An employer's carefully documented file will assist in this assessment and further serves as an added protection to potential claims for discrimination.

CONCLUSION

The recent report by the Task Force on Cannabis Legislation and Regulation raised concerns about the impact of marijuana use in the workplace for people working in safety-sensitive positions, including the industries of healthcare, law enforcement, transportation, construction, or resource extraction. The Task Force noted that there was an urgent need for research to reliably determine when individuals were impaired. One of the recommendations proposed to the federal government was that it collaborate with provinces, territories, employers and labour representatives to facilitate the development of workplace impairment policies. It is anticipated that there will be significant changes in the years ahead as research intensifies and the risks are better understood.

While there is no doubt that the law will shift over the next few years and litigation

will eventually clarify the uncertainties surrounding medical marijuana, employers should prepare by implementing best practices and policies to address the many implications of medical marijuana in ensuring a productive and safe environment. Employers should work with health and safety committees in developing suitable accommodation plans, as well as procedures for disclosure and use of medical marijuana in the workplace, particularly in safety-sensitive positions. Employers who fail to properly implement policies may be seen as having engaged in improper conduct by failing to address the needs of their disabled employees. As the law evolves in the area, it would be wise for employers to regularly revise their policies to adhere to the changes in the law.

¹ Access to Cannabis for Medical Purposes, SOR/2016-230.

² Section 5(1) of the Human Rights Code, R.S.O. 1990, c. H.19. 3 British Columbia v British Columbia Government Service Employees' Union (Re Meiorin) v. BCGSEU, (1999) 3 S.C.R.

³ British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights), [1999] 3 S.C.R. 868 (known as the Grismer Estate case).

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what taking a back seat means for insurance coverage and liability

JENNIFER THERRIEN, KATHRYN CRANER (ARTICLING STUDENT)
KELLY SANTINI LLP

According to Statistics Canada, 2014 saw 149,900 total injuries resulting from motor vehicle accidents (“MVAs”) – including 1,834 fatalities.¹ When exploring the cause of these accidents, human error is typically to blame.² To combat these statistics, each year brings new technological advances to our consumer goods, and the auto industry is no exception. Cars are built with increasingly more driver-assisted features, such as active cruise control, blind spot detection, and automated parking systems that allow a car to self-park. We are now entering a transitional period in which human drivers are supplemented, perhaps even replaced, with lines of computer codes. Autonomous vehicles are rapidly becoming reality, as evidenced by the mainstream commercial investment into, and adoption of, autonomous systems technologies by technology giant Google Inc. and global vehicle manufacturers such as Volvo, BMW, Tesla, Mercedes-Benz, Honda, and Ford, just to name a few.³

COMMERCIAL INTEGRATION

Estimated to possibly reduce the frequency of MVAs by up to 80% by 2040,⁴ the continued development of this technology is not limited to personal vehicles, but is also being developed for commercial purposes. Uber, one of the

world’s most popular commercial transportation businesses, has also ventured into the use of autonomous cars. In September 2016, Uber released a fleet of autonomous Ford Fusions to take to the roads in Pittsburgh, Pennsylvania as part of a test program that involved picking up passengers in place of traditional Uber drivers.⁵ While this test program had an Uber engineer in the driver’s seat who could take control if necessary, it is predicted among technology and auto experts that in the coming years, autonomous cars will replace the human-operated vehicles that currently fill the roads.⁶ Further, Daimler, one of the world’s largest manufacturers of commercial vehicles, has begun testing semi-autonomous 18-wheel transport trucks on the basis that this new fleet could not only be safer, but more fuel efficient and predictable.⁷

EMERGING QUESTIONS FOR THE INSURANCE INDUSTRY

The introduction of autonomous systems technology will have a very real effect on the insurance industry, for both insurers and insureds, as well as insurance litigation. According to the Insurance Institute of Canada’s 2016 Report, “Automated Vehicles: Implications for the Insurance Industry in Canada”, the introduction of autono-

mous technology will shift the liability of MVAs from primarily human error to a combination of human error and software error.⁸ Should the technology continue to evolve such that fully-autonomous vehicles become the norm, software error would virtually be the sole cause of MVAs. This shift presents a number of challenges for manufacturers, provincial and federal regulators, consumers, as well as the insurance industry.

These developments raise a number of questions for the insurance industry and manufacturers alike including: how will manufacturers be able to verify whether or not a vehicle’s autonomous systems technology was engaged at the time of a collision? Under what circumstances will insurance companies be allowed to access this information? How will subrogated claims unfold where automakers are found to be at fault? In the event that human error and technology failure both contribute to a motor vehicle accident, how will damages awards be dealt with?⁹ Further questions also emerge when considering the commercial introduction of fully-autonomous vehicles, including; to what extent will insurance coverage for the first self-driving vehicles be modelled on the product liability coverage currently in place for other categories of vehicles

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that already feature substantial use of autonomous technology, such as airplanes, ships, and trains? Will there be a need to redesign the coverage offered?¹⁰ As stated by the Insurance Institute of Canada, due to the speed in which this technology is advancing, “much preparation needs to be completed in a short period of time”.¹¹

LEGAL IMPLICATIONS

When considering how the widespread adoption of autonomous vehicles would change current policies surrounding motor vehicle operation and insurance, one of the first questions that comes to mind is also one of the most important: who (or what) is driving the vehicle? Ac-

cording to Paul Kovacs, the founder and executive director of the Institute for Catastrophic Loss Reduction, “as on-board computers begin to make driving decisions, responsibility for collisions will move beyond human drivers to include automakers, software developers, and maintenance professionals”.¹²

Currently all motor vehicle liability policies in Ontario are governed by Part VI of the Insurance Act, RSO 1990, c I.8.¹³ While the term “driver” is not explicitly defined within this part of the Act, the distinction between a driver and a passenger is an important one, especially within the context of liability.

Canadian lawmakers have yet to formally address some of the common issues arising from the use of autonomous vehicles, a look to the United States could be informative when developing our own domestic policies and legal approaches. Paul A. Hemmersbaugh, Chief Counsel for the United States’ National Highway Traffic Safety Administration, sent Google’s self-driving car project a letter in which the issue of driver identity was touched upon, noting that the traditional conceptualization of a ‘driver’ will not apply to these vehicles.¹⁴ Instead, the vehicle’s software would be considered the ‘driver’.¹⁵ Designating software as the ‘driver’ of an autonomous vehicle has very real consequences with respect to how liability flows, in the event of an MVA.


SEMI-AUTONOMOUS VEHICLES & ATTRIBUTION OF LIABILITY

If the vehicle in question is completely autonomous, then it is likely that an MVA caused by the vehicle would result in a product liability claim instead of a negligence claim against the human driver. By eliminating the human driver, auto manufacturers and software developers will likely assume greater liability for MVAs. However, it gets messier when the vehicle in question is only semi-autonomous. How will a Court apportion liability between a human driver and a car’s autonomous vehicle technology? In MVAs involving these types of vehicles, apportionment of liability will depend on various factors such as: whether the vehicle was functioning in the autonomous mode, whether the human driver was using the technology as intended, and whether there were adequate safety

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warnings about how to use the technology. These factors were certainly among those considered in the case of Joshua Brown, the first reported fatality resulting from the use of an autonomous vehicle.

THE DANGERS OF IMPROPER OPERATION: JOSHUA BROWN

On May 7, 2016, Brown was driving his Tesla Model S in Williston, Florida, when he enabled the car's Autopilot mode. Shortly thereafter, he collided with a white tractor-trailer. Designed only to assist the driver instead of replacing the need for a driver altogether, the Autopilot technology requires the driver to remain alert and to keep his or her hands on the wheel.¹⁶ Brown however, appeared to believe that the technology enabled him to passively observe, as evidenced by a YouTube video that he had posted, in which he let go of the car's wheel, allowing the car to maneuver itself in slow-moving traffic.¹⁷ At the time of the fatal collision, it appeared that Brown was not paying attention to his surroundings, and was reportedly watching a movie on a portable DVD player immediately before the collision.

In this case, the liability for the collision would likely be shared by Brown and Tesla. Even though Brown was watching a movie while the autopilot was enabled, a clear misuse of the technology, the technology also failed in that it was unable to distinguish the white tractor-trailer from the bright sky.¹⁸ With respect to product liability, in Canada, it is the manufacturer's duty to produce a product which is "reasonably safe".¹⁹ One of the factors that the Canadian

courts consider in determining whether a product is reasonably safe is the history of the product failure.²⁰ This factor is especially relevant in Brown's case as this was not the only reported instance in which this issue with the technology emerged. A member of a Tesla owner message board noted that his Tesla's Autopilot camera appeared to have a difficult time distinguishing lines during periods of exceptionally bright sunlight in the morning and nearing dusk.²¹

For vehicles like Brown's Tesla Model S, where the driver is able to override the driver assisted technology and regain control of the vehicle, the current legal framework surrounding driver negligence could arguably continue to apply. The technology could be viewed as an extension of more basic driver assisted technologies currently in use. As is currently the case with technology such as parking assistance or cruise control,²² drivers would likely remain liable for using the technology in any way other than for what it was intended.

FULLY AUTONOMOUS VEHICLES & PRODUCT LIABILITY

The legal response for fully-autonomous vehicles is less complicated, albeit more technical. Instead of reviewing pages of witness statements, and discovery transcripts, it appears more likely that the search for human error will give way to the search for a coding error, or glitch in the operating system.

As previously mentioned, it is commonly accepted that most MVAs are the result of human error. Google has recognized this, and instead of implementing

semi-autonomous technology in its vehicles, its vehicles are designed to prevent human drivers from taking control altogether.²³ In doing so, Google has acknowledged that human error is more likely to occur than system malfunction and that human intervention makes the vehicles inherently more dangerous.²⁴ By removing the human element, Google creates a situation where liability is limited to Google. Due to the emphasis placed on product liability in place of driver negligence, auto manufacturers and suppliers will have a greater need for comprehensive product liability insurance.²⁵ As stated in "Marketplace of change: Automobile insurance in the era of autonomous vehicles" KPMG anticipates that auto product liability claims will grow from almost nothing today to become a market approaching the size of today's commercial auto insurance market.²⁶

THE CHANGING SCOPE OF INSURANCE NEEDS, COVERAGE & LITIGATION

While this growth in product liability insurance may appear to be a straightforward conclusion, it remains unclear what shape these insurance policies will take.

To shed some light on what these policies may look like, we can look to insurance policies that are available for other types of vehicles with driver-assisted technology, such as planes, trains, and ships.²⁷ These types of vehicles often have extensive automation, especially commercial aircraft²⁸ and subways,²⁹ and have coverage that is based on product liability, instead of driver negligence.³⁰ For autonomous vehicles, legislative amend-

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ments would be required in order to clarify whether there are circumstances in which an owner of an autonomous vehicle would be liable, in addition to, or in place of, the auto manufacturer or the software developer.

The advent of autonomous vehicles also introduces a relatively new concern: hacking. As evidenced by Fiat Chrysler's recall of 1.4 million vehicles in July 2015, a hacker could easily disable the windows, doors could be unlocked, the engine disabled, and the brakes or accelerator could be engaged or disabled.³¹ It is easy to imagine how this could result in litigation over whether the insurer of the owner of the vehicle will respond in such an event, and to what extent the manufacturers are to blame. This issue adds yet another layer to the complexity of auto insurance litigation and is some-

thing that insurers, insureds, and litigants must consider.³²

CONCLUSION

Over the years to come, our roads will be shared by human-driven vehicles, semi-autonomous vehicles, and fully-autonomous vehicles that require no human assistance.³³ The current approach to auto insurance coverage and the legal framework that deals with resulting claims has developed from the expectation that drivers make the errors that cause the MVAs. As human error becomes less likely to be the cause of MVAs, both lawmakers and the insurance industry must adapt accordingly. While it is unclear what form insurance litigation will take as these vehicles become the norm on Ontario highways, one thing is clear – our legislators will have to rework existing legislation such

as the Ontario Insurance Act and the Highway Traffic Act as drivers yield control to smart technology, and increasingly become the passengers. Typical claims involving questions surrounding driver negligence, impaired driving, and license restrictions may well soon give way to a reduced number of claims, that instead involve questions surrounding product liability, hacking, and technological failures.

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²Kate McGillivray, "Human error biggest cause of traffic accidents, collision investigator says", CBC News (16 November, 2016) online: <<http://www.cbc.ca>>.

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⁹Supra note 3 at ii.

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¹¹Supra note 3 at 10.

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¹³Insurance Act, RSO 1990, c. I.8

¹⁴Letter from Paul A. Hemmersbaugh to Chris Urmson (4 February, 2016) online: National Highway Traffic Safety Administration <<https://research.nhtsa.gov>>.

¹⁵Brian Fung, "Google's driverless cars are now legally the same as a human driver" (10 February, 2016) The Washington Post <<https://www.washingtonpost.com>>.

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¹⁷Ibid.

¹⁸Ibid.

¹⁹Mississauga (City) v. Keifer Recaro Seating, Inc., [2001] O.J. No. 1893, 2001 CarswellOnt 1725 at para 4 (ONCA); similar principle cited in Tabrizi v. Whallon Machine Inc., 1996 CanLII 3532 at para 30 (BCSC).

²⁰Ibid.

²¹Supra note 19.

²²Allied Systems Co. v. Sullivan Estate, 2005 CanLII 4576, para 41 (ONSC).

²³Brian Fung, "The big question about driverless cars that no one seems able to answer" (17 February, 2016) The Washington Post online: <<https://www.washingtonpost.com>>.

²⁴Ibid.

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³⁰Supra note 3 at 16.

³¹Brent Snively, "Fiat Chrysler recalls 1.4 million vehicles to block hacking", Detroit Free Press (24 July, 2015) online: Detroit Free Press <<http://www.freepress.com>>.

³²Supra note 3 at 40.

³³Supra note 3 at 2.

CALL FOR NOMINATIONS

2017 don stuart award nominations now open!


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- **Whether the organization is found to be negligent.** Regulatory non-compliance, poor cyber security practices, inconsistencies between stated organizational policies/procedures vs those which are actually played out during an event...Judges and regulators are more likely to enforce punitive damage, sanctions, penalties, and fines in those situations.



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Or, as succinctly put by one of Marsh's collaborative cyber breach coaches, "cyber crisis management cannot be treated as a Do-It-Yourself project."

By developing organization-wide effective data breach response and cyber security practices adapted to one's operations and potential threats, organizations suffering a major data breach are prepared to act in a timely and well thought out matter. Together these elements help you dramatically lower the direct and indirect costs of a data breach event.

*Julien Ducloy is National Leader for Enterprise Risk Management and Cyber Risk Consulting with **Marsh Risk Consulting**. Marsh is a global leader in insurance broking and risk management, offering risk management, risk consulting, insurance broking, alternative risk financing, and insurance program management services to businesses, government entities, organizations, and individuals around the world.*

PROTECTING AGAINST

misuse of information

TERESA HAYKOWSKY, DAVID RISLING, JAMES LINGWOOD

Businesses and employers face exposure to a variety of claims for mismanagement or misuse of personal information by employees. Damages may depend on how sensitive the information is and how it is misused. It was recently reported that an Alberta employer faced a serious security breach and fraud by a former IT employee which purportedly occurred between 2008 and 2012. The ex-employee, who worked in IT for the organization, allegedly engaged in a series of fraudulent electronic transactions which included placing and using personal data which was collected

and stored by the organization, on his personal computer drives.

While the employer was successful in obtaining an order allowing it to search and take possession of the ex-employee's electronic data, this did nothing to address the problem that was created by the ex-employee mining and storing personal information of others in the possession of the organization. How can an employer protect itself from the risk of employees misusing information in the possession of the employer? This challenging case high-

lights steps employers may take to manage this risk and limit the company's exposure to employer-electronic data misappropriation. IT departments are particularly difficult to monitor as IT employees are often charged with monitoring and managing the information system. Employers should adopt systems which cover all employees and should ensure that they have well drafted and current IT (internet, email, mobile, social media etc.) monitoring policies that are communicated and accepted by employees that:

/ CONTINUES PAGE 14.



- Confirm ownership of IT systems.
- Delineate purposes for which IT systems may be used.
- Clearly explain the rules and limits on employees' use of personal electronic devices.
- Identify the limits on downloading and disseminating employer data.
- Confirm the extent and purpose of the monitoring.
- Confirm the potential range of disciplinary responses for a breach.

In terms of the monitoring IT-related conduct, employers should consider the following:

- Powers of access to IT systems should be shared and not vested in a single individual.
- IT systems can be developed to ensure that downloads and uploads of information from employer systems trigger notifications to senior administrative personnel (particularly where the information comes from an employee file).

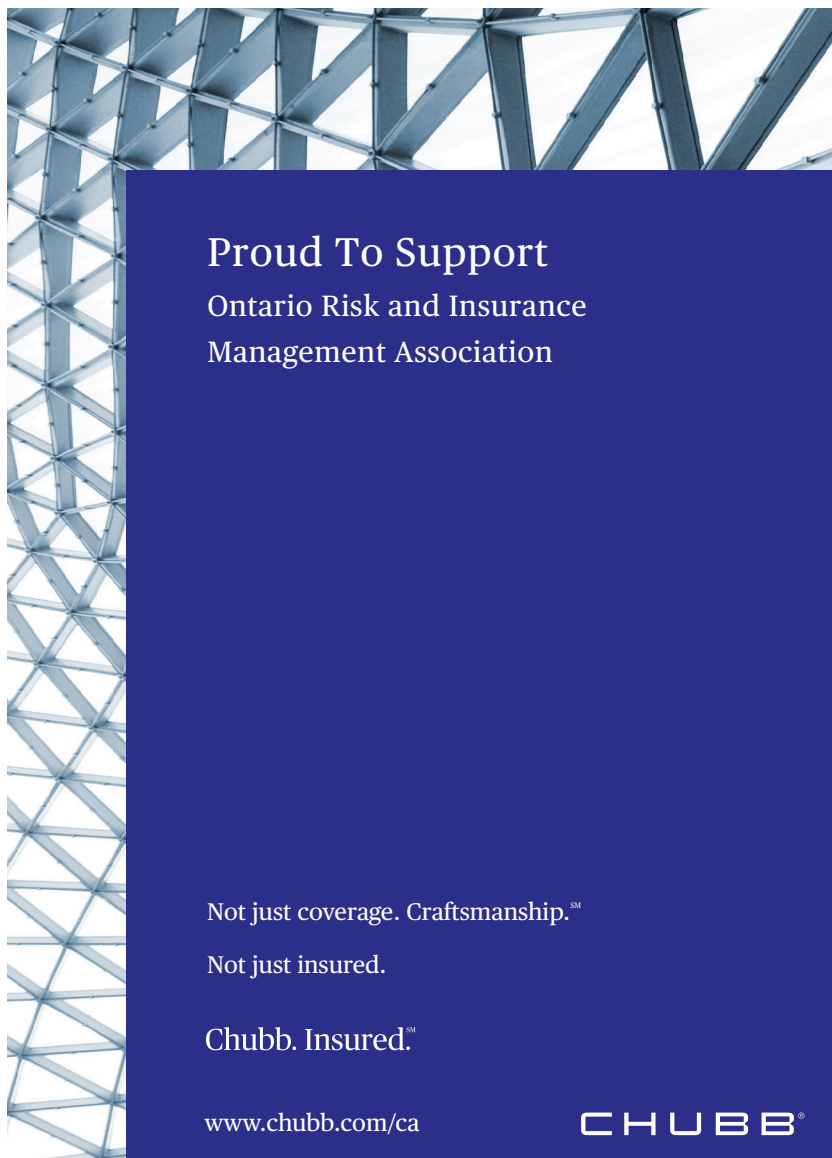
- IT professionals may be made subject to audits or independent reviews on an irregular basis.
- IT functions should be separated from authority to approve of financial expenditures.

Another organizational concept that works hand-in-glove with monitoring is the separation of employee responsibilities, which enables better monitoring of employee activity and may help employers identify misappropriation, if it occurring. The chance of an employee misusing information diminishes when that employee knows another set of eyes is monitoring the system. Having employees execute confidentiality agreements provides legal protection and guidance to employees with regards to the care required in handling of employee and other sensitive information.

At times the trust employers have in their employees can lull the employer into a sense of security and the employer may become lax at monitoring trusted employees. Even if trust is required of any employee (particularly those with access to sensitive information), trust does not prevent employee misuse of electronic data. Systems are required to properly monitor and protect personal information. These systems also assist in managing the exposure to risk of claims.

This update is a general overview of the subject matter and cannot be regarded as legal advice.

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2017 curling bonspiel

CHECK OUT THE PHOTO GALLERY ON PAGE 16.

ORIMS hosted its annual **Edward C. Ricketts Memorial Curling Bonspiel** on Monday, February 27th at the St. George's Golf and Country Club. It was an intimate and spirited event and a great time was had by all.

We have a new champion this year and the winners are as follows:

1ST PLACE: Zurich: Amandeep Dulku (Zurich), Antonietta Corigliano (George Weston), Richard Subissati (Marsh) and Michael Freel (Polyair).

2ND PLACE: Cunningham Lindsey: John Jones (Cunningham Lindsey), Jack Lee (BFL Canada), Ted Hellyear (Nacora), Karen Barkley (Zurich).

3RD PLACE: -30- Forensic Engineering: Matt Hartog, Geoff Lay, Harrison Griffiths, Chad Gooyers (all with -30- Forensic Engineering).

Congratulations to all of the winners!

This event could not have been the success it was without the support of our sponsors:

AIG, Liberty International Underwriters, Lloyd's, Crawford, Vericlim, Chubb, SCM, and McCague Borlack. We also raised \$500 in support of Second Harvest, which could not have been possible without the prizes generously donated by McCague Borlack, Canadian Litigation Counsel, Marsh, Zurich, and SI Advisors. Thank you for your generosity and continued support.

Lastly, a special thanks to Deborah Robinson (Canadian Litigation Counsel) for your continued support and to Nancy Costa (Crawford).



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